

RESOLUTION NO. 21-168

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE MENDOCINO COUNTY GENERAL PLAN COASTAL ELEMENT, CHAPTERS 3.2, 3.3 AND 3.9 (GP_2018-0003) TO ESTABLISH POLICIES FOR ACCESSORY DWELLING UNITS IN THE COASTAL ZONE OF MENDOCINO COUNTY

WHEREAS, the County of Mendocino desires to amend its certified Local Coastal Program to address the development of accessory dwelling units and junior accessory dwelling units within the coastal zone of Mendocino County, in part to comply with its obligations to implement the provisions of Government Code Section 65852.2; and

WHEREAS, the Local Coastal Program amendment requires modifications to Chapters 3.2, 3.3, and 3.9 of the Coastal Element of the Mendocino County General Plan ("General Plan amendment GP_2018-0003") which are attached to this Resolution as Exhibit A and incorporated herein by reference; and

WHEREAS, General Plan amendment GP_2018-0003, as shown in Exhibit A, includes all of the "Suggested Modifications" included in the California Coastal Commission's September 9, 2021 action to certify the Local Coastal Program amendment (LCP-1-MEN-20-0021-1); and

WHEREAS, pursuant to Government Code Sections 65354 and 65855, the Mendocino County Planning Commission held a public hearing on October 7, 2021, heard and received all relevant testimony and evidence, and, at the conclusion of the public hearing, adopted Planning Commission Resolution No. PC_2021-0012, recommending that the Board of Supervisors adopt General Plan amendment GP_2018-0003 modifying Chapters 3.2, 3.3, and 3.9 of the Coastal Element of the Mendocino County General Plan to establish regulations for accessory dwelling units, with modifications made at the meeting and as specified in their resolution; and

WHEREAS, the Planning Commission recommendation to add "more than one" to section 20.458.025(A) is not approved as it would substantively alter the meaning of the section and create inconsistencies within the ordinance rather than providing clarification as intended by the Planning Commission; and

WHEREAS, the legislature of the State of California has found that certain classes of projects are exempt from the California Environmental Quality Act, including, pursuant to Public Resources Code Section 21080.17, the adoption of policies and regulations to implement the provisions of Government Code Section 65852.2 addressing the construction of dwelling units and accessory dwelling units; and

WHEREAS, pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act (Public Resources Code Section 30000 et seq.), and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs, Section 15000 et seq.), the burden of CEQA compliance for local coastal programs is shifted from the County to the California Coastal Commission; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on November 9, 2021 on General Plan amendment GP_2018-0003, at which time the Board heard and received all relevant testimony and evidence presented orally or in writing regarding General Plan amendment GP_2018-0003; and

WHEREAS, the County of Mendocino provided public notice of the hearing in a newspaper of general circulation on the amendment to the Local Coastal Program; and

WHEREAS, the Board of Supervisors has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding General Plan amendment GP_2018-0003.

NOW, THEREFORE, BE IT RESOLVED that, based upon the evidence in the record, the Mendocino County Board of Supervisors makes the following findings and determinations:

1. General Plan amendment GP_2018-0003 aligns with the County's intention of encouraging and facilitating the development of an adequate supply of housing.
2. General Plan amendment GP_2018-0003 is consistent with the 2009 Mendocino County General Plan, as well as the 2019-2027 Update to the Housing Element.
3. The 2019-2027 Housing Element of the General Plan contains the following policies related to Accessory Dwelling Units:
 - Policy 1.4 - Recognize that the different regions of the County have varying housing needs unique to the specific geographic regions.
 - Action 1.4b - Address issues associated with Vacation Home Rentals (VHRs) in residential communities to ensure safe and healthy housing opportunities are provided.
 - Policy 3.1 - Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.
 - Policy 3.2 - Promote the development of ADUs.
 - Action 3.2a - Continue efforts around the development of ADUs and explore additional incentives to promote ADUs to help ensure RHNA progress. Continue to publicize the opportunities for and encourage the production of ADUs for full-time occupancy and encourage family care units. Create resource materials to better facilitate and guide prospective ADU construction.
4. General Plan amendment GP_2018-0003 is intended to be carried out in a manner fully in conformity with the Coastal Act; and
5. General Plan amendment GP_2018-0003 is not subject to CEQA pursuant to Public Resources Code Section 21087.17; and
6. General Plan amendment GP_2018-0003 is not subject to CEQA pursuant to Public Resources Code Section 21080.9, and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs, Section 15000 et seq.), the burden of CEQA compliance for local coastal programs is shifted from the County to the California Coastal Commission; and

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors accepts and agrees to the California Coastal Commission suggested modifications to Local Coastal Program Amendment No. LCP-1-MEN-20-0021-1 (Accessory Dwelling Units); and

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby adopts General Plan amendment GP_2018-0003 amending the Coastal Element of the Mendocino County General Plan to establish policies relating to the establishment of accessory dwelling units in the coastal zone of Mendocino County, with suggested modifications made by the California Coastal Commission, consistent with the Coastal Act and the Mendocino County General Plan; and

BE IT FURTHER RESOLVED that, pursuant to 14 Cal. Code Regs, Section 13544(c), General Plan amendment GP_2018-0003 shall become effective upon action by the California Coastal Commission concurring with the Coastal Commission Executive Director's determination that General Plan amendment GP_2018-0003, as adopted, is consistent with the Coastal Commission's September 9, 2021 action certifying Local Coastal Program Amendment No. LCP-1-MEN-20-0021-1 (Accessory Dwelling Units) with Suggested Modifications; and

BE IT FURTHER RESOLVED, that the Mendocino County Board of Supervisors directs the Department of Planning and Building Services to prepare an updated version of the Mendocino County General Plan Coastal Element, for distribution to public entities and the general public pursuant to Government Code section 65357; and

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors agree to issue coastal development permits subject to the certified Mendocino County General Plan Coastal Element as amended.

The foregoing Resolution introduced by Supervisor Haschak, seconded by Supervisor McGourty, and carried this 9th day of November, 2021, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

EXHIBIT A
MENDOCINO COUNTY GENERAL PLAN COASTAL ELEMENT AMENDMENT
(GP_2018-0003)

LUP Policy 3.2-1 [located in LUP Chapter 3, Subchapter 3.2 (Agriculture)] is modified as follows:

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.

LUP Policy 3.3-5 [located in LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources)] is modified as follows:

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence. Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

LUP Policy 3.9-1 [located in LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development)] is modified as follows:

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:
- each community's desired amount and rate of growth.
 - providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may

also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

-end of amendment-